

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA

IN RE:

CHAPTER 13

BARBARA JEAN SHEPHARD

CASE NO. 10-13031 NLJ

Debtor(s).

---

MOTION TO DISMISS FOR FAILURE TO MAKE REGULAR PAYMENTS  
AND BRIEF IN SUPPORT THEREOF

---

COMES NOW, JOHN HARDEMAN, CHAPTER 13 TRUSTEE IN THE ABOVE-STYLED BANKRUPTCY PROCEEDING (THE "TRUSTEE"), AND, PURSUANT TO SECTION 1307(C) OF TITLE 11, UNITED STATES CODE (THE "BANKRUPTCY CODE"), MOVES THIS COURT TO ENTER ITS ORDER DISMISSING THIS BANKRUPTCY CASE. IN SUPPORT OF THIS MOTION, THE TRUSTEE RESPECTFULLY REPRESENTS TO THE COURT AS FOLLOWS:

1) ON Tue May 18, 2010, THE DEBTORS COMMENCED THESE BANKRUPTCY PROCEEDINGS WITH THE FILING OF THEIR VOLUNTARY PETITION FOR RELIEF UNDER CHAPTER 13 OF THE BANKRUPTCY CODE.

2) ON Fri Jan 07, 2011, THE COURT ENTERED ITS ORDER CONFIRMING THE DEBTOR(S)' CHAPTER 13 PLAN (THE "PLAN").

3) PURSUANT TO THE TERMS OF THE PLAN, THE DEBTOR(S) WERE TO MAKE MONTHLY PAYMENTS IN THE AMOUNT OF \$ 2,536.00 (THE "MONTHLY" PAYMENTS) TO THE TRUSTEE.

4) THE DEBTOR(S) HAVE FAILED TO MAKE THE MONTHLY PAYMENTS REQUIRED BY THE PLAN AND ARE IN ARREARS IN THE AMOUNT OF \$ 7,608.00 AS OF 01/17/2012.

5) SECTION 1307(C)(6) PROVIDES THAT  
(C) ...THE COURT MAY CONVERT A CASE UNDER THIS CHAPTER TO A CASE UNDER CHAPTER 7 OF THIS TITLE, OR MAY DISMISS A CASE UNDER THIS CHAPTER, WHICHEVER IS IN THE BEST INTEREST OF CREDITORS AND THE ESTATE, FOR CAUSE, INCLUDING --

(6) MATERIAL DEFAULT BY THE DEBTOR WITH RESPECT TO A TERM OF A CONFIRMED PLAN.

6) THE DEBTORS' FAILURE TO MAKE REGULAR MONTHLY PAYMENTS CONSTITUTES A MATERIAL DEFAULT.

WHEREFORE, FOR THE REASONS STATED ABOVE, THE TRUSTEE REQUESTS THE COURT DISMISS THE ABOVE-CAPTIONED BANKRUPTCY. THE TRUSTEE FURTHER REQUESTS THE COURT DISMISS THE REFERENCED BANKRUPTCY WITHOUT FURTHER NOTICE OR A HEARING IF THE DEBTOR(S) FAIL TO FILE A RESPONSE TO THIS MOTION WITHIN SEVENTEEN (17) DAYS FOLLOWING THE DATE THIS MOTION WAS FILED.

/s/JOHN HARDEMAN

---

JOHN HARDEMAN  
CHAPTER 13 TRUSTEE  
P.O. BOX 1948  
OKLAHOMA CITY, OK 73101  
(405)236-4843

CERTIFICATE OF MAILING

THIS IS TO CERTIFY THAT ON 01/18/2012 A TRUE AND CORRECT COPY OF THE FOREGOING DOCUMENT WAS MAILED BY FIRST-CLASS MAIL, POSTAGE PREPAID TO ALL PARTIES LISTED ON THE ATTACHED ADDRESS LIST.

/s/JOHN HARDEMAN

---

JOHN HARDEMAN  
CHAPTER 13 TRUSTEE  
P.O. BOX 1948  
OKLAHOMA CITY, OK 73101  
(405)236-4843

#665/LB